

UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF PENNSYLVANIA

_____	)	
JOEL BURSTEIN <i>et ano.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	№ 2:12-cv-02494-HB
	)	
SUN LIFE ASSURANCE COMPANY OF	)	
CANADA (U.S.),	)	
	)	
Defendant.	)	
_____	)	

**MOTION FOR LEAVE TO FILE A SUR-REPLY AND DECLARATION  
IN OPPOSITION TO SUN LIFE’S MOTION FOR SUMMARY JUDGMENT**

Plaintiffs Joel Burstein and Elli Weinstein (collectively, “Plaintiffs”), by their attorneys, hereby move for leave to file a sur-reply and declaration, attached hereto as Exhibits A and B, to respond to the Corrected Reply in Support of Motion for Summary Judgment (“Reply”), Doc. 45, filed by Defendant Sun Life Assurance Company of Canada (“Sun Life”) and the accompanying Declaration of Timothy J. Perla, Doc. 45-1 (“Second Perla Declaration”). In support of their Motion, Plaintiffs rely on the accompanying Memorandum of Law.

Dated: May 3, 2013

/s/ Robert S. Kitchenoff

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### **CERTIFICATE OF SERVICE**

I hereby certify that on this date true copies of the foregoing Plaintiffs' Motion for Leave to File a Sur-Reply in Opposition to Sun Life's Motion for Summary Judgment and all related documents have been filed electronically and made available for viewing through and downloading from the Court's Electronic Case Filing System. Pursuant to Local Civil Rule 5.1.2, ¶ 8(a), all such papers have thereby been served electronically upon counsel for the Defendant in this action.

Dated: May 3, 2013

/s/ Leila E. Ely

Leila E. Ely